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Ct
No24
AGM

16.05
2023

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 5093 of 2022

**Sri Niladri Basu
Vs
The Kolkata Municipal Corporation & Ors.**

**Mr. Shubham Gupta
Mr. Tanmoy Kumar Dey
Mr. Raunak Shaw
... for the Petitioner.**

**Mr. Gausul Alam
Mr. Biswajit Dutta
... for the State.**

**Mr. Gopal Chandra Das
Mr. Rudranil De
... for the Kolkata Municipal Corporation.**

Pursuant to the direction passed by this Court on 25th April, 2023 a spot inspection was conducted in the presence of the parties. The property in question is enlisted in the list of heritage properties maintained by the KMC Environment & Heritage Department and the Grade of the Heritage Building is Grade-IIB.

As portions of the building became ruinous, Corporation issued notice under Section 411 (1) of the KMC Act and also affixed a caution board under Section 411 (2) of the KMC Act.

As the petitioner, in the garb of demolishing the ruinous portion, started making construction without obtaining any sanction from the Corporation a spot work notice was issued. The petitioner has since been made

aware that permission was required to be obtained prior to starting repairing/construction in the subject premises.

Learned advocate for the petitioner denies that any caution board under Section 411 (2) of the KMC Act, 1980 has been affixed to the subject premises.

The petitioner undertakes to obtain permission prior to making any further construction work. The petitioner also undertakes that the construction/repairing work will be done under strict supervision of the Empanelled Structural Engineer with a no objection certificate obtained from the Environment & Heritage Department, KMC.

In view of the undertaking given by the petitioner that construction will be made after obtaining necessary permission from the respective authorities, the writ petition stands disposed of.

The report filed by the Assistant Engineer (Civil) and Executive Engineer (C), Building Department, Borough-I, KMC signed on 11.5.2023 be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)